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Dated: September 14, 2010
Electronic Signature for Claude F. Purchase: /Claude F. Purchase/

Docket No.: 62620A US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Aleksander J. Pyzik et al.

Application No.: 10/551,727

Confirmation No.: 5798

Filed: October 3, 2005

Art Unit: 1793

For: COMPOSITION FOR MAKING METAL
MATRIX COMPOSITES

Examiner: Unknown

Petition Under 37 C.F.R. § 1.78(a)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This renewed petition is responsive to a DECISION ON PETITION dated 27 August 2010. The renewed petition is being mailed, transmitted, or filed electronically and is accompanied by a separate paper amending the specification. The required fee for filing a petition under 37 C.F.R. § 1.78(a) was paid with our previous submission filed on March 12, 2010. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayments, to deposit account number 04-1512 for the submission of the renewed petition. Please refund the fee for filing a petition under 37 C.F.R. § 1.78(a) if it was not required for the renewed petition.

Renewed Petition under 37 C.F.R. § 1.78(a) begins on page 2.

Remarks begin on page 3.

Renewed Petition Under 37 C.F.R. § 1.78(a)

Applicants hereby renew their petition to the Commissioner for Patents under 37 C.F.R. § 1.78(a) to accept their unintentionally delayed benefit claim under 35 U.S.C. 120 for the benefit of PCT International Patent Application Number PCT/US2004/010837 filed 08 April 2004, and benefit claim under 35 U.S.C. 119(e) from U.S. Provisional Patent Application Number 60/461,642, filed 09 April 2003. The PCT International application is intermediate between the U.S. Provisional and instant applications. The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a) and the date the claim has been filed was unintentional.

Remarks

The pending nonprovisional application is a §371 application from PCT International Patent Application Number PCT/US2004/010837 filed 08 April 2004, which claimed benefit from U.S. Provisional Patent Application Number 60/461,642, filed 09 April 2003. The instant nonprovisional application may not have contained and may not have been amended to contain a reference to the prior filed applications within the later of four months from the date on which the national stage commenced under 35 U.S.C. § 371(b) or (f) or sixteen months from the filing date of the prior-filed provisional application.

As required by 37 C.F.R. § 1.78(a) the aforementioned renewed petition for the priority claim is accompanied by:

- (i) The references required by 35 U.S.C. 119(e) and 120, which references are contained in a separate paper (“Amendment and Reply”) submitted concurrently herewith;
- (ii) The surcharge set forth in 37 C.F.R. § 1.17(t); and
- (iii) A statement (previous page) that the entire delay between the date the claim was due and the date the claim has been filed was unintentional.

Applicants’ initial Amendment and Reply inappropriately incorporated the contents of the prior filed applications by reference after the instant filing date. The enclosed Amendment and Reply has been corrected accordingly and Applicants herein renew their petition.

Dated: September 14, 2010

Respectfully submitted,

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